IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL CARIOLA, : CIVIL ACTION

Plaintiff,

v.

<u>ORDER</u>

AND NOW, this 7th day of November, 2017, upon consideration of plaintiff's motion to file an amended complaint (ECF No. 8), which the Court has construed as an amended complaint, it is ORDERED that:

- 1. The motion for leave to file an amended complaint is GRANTED. The Court will construe the filing as an amended complaint.
- 2. The amended complaint is DISMISSED for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons stated in the Court's Memorandum.
 - 3. The Clerk of Court shall CLOSE this case.

BY THE COURT:

C. DARNELL JONES, II, J.